

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

2008 MAR 31 PM 2:32

United States of America)

v.)

Michael Hubbard)

Case No: CR404-00138-001

USM No: 11932-021

Tom Allen Edenfield

Defendant's Attorney

Date of Previous Judgment: December 6, 2004

(Use Date of Last Amended Judgment if Applicable)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 25

Amended Offense Level: 23

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 100 to 125 months

Amended Guideline Range: 84 to 105 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

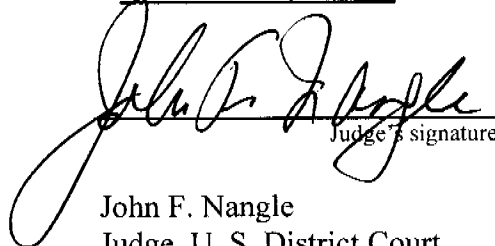
The Court notes the original sentence of 102 months falls within the amended guideline range and the Court will not reduce the sentence. The Court has considered all factors set forth in 18 U.S.C. § 3553(a) in arriving at its decision.

Except as provided above, all provisions of the judgment dated December 6, 2004, shall remain in effect.

IT IS SO ORDERED.

Order Date: March 31, 2008

Effective Date: _____
(if different from order date)



Judge's signature

John F. Nangle
Judge, U. S. District Court
Southern District of Georgia

Printed name and title